

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MASON WHITE HYDE,)	
)	
Petitioner,)	
)	1:19-cr-548-1
v.)	1:24-cv-1022
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This matter is before the court for review of the Recommendation and Order ("Recommendation") filed on July 2, 2025, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 158.) The Magistrate Judge finds that Petitioner's filing under § 1651 is not proper and construes the submission as a Motion under § 2255, and further that because of this pleading failure, Petitioner's Motion should be filed and then dismissed. The Recommendation was served on the parties in this action on July 2, 2025. (Doc. 159.) Petitioner timely filed objections to the Recommendation. (Doc. 160.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which the objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. Petitioner's objections warrant no relief. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 158), is **ADOPTED. IT IS FURTHER ORDERED** that this action is filed, and is hereby **DISMISSED** for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the Court of Appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d).

The court further finds there is no substantial showing of the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 2nd day of January, 2026.


United States District Judge